



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

TWENTY WEST FORTIETH STREET • NEW YORK, N. Y. 10018 • BRyant 9-1400

Please direct reply to:
Washington Bureau
100 Massachusetts Avenue, N. W.
Washington 1, D. C.
Telephone: National 8-5794

May 4, 1965

Honorable Carl Albert
House Office Building
Washington, D. C.

Dear Congressman Albert:

Enclosed is a mimeographed memorandum urging that the 1965 voting rights act include provisions that will outlaw the poll tax and give protection to persons assisting in voter registration.

In the poll tax states of Alabama, Mississippi, Texas and Virginia one may vote for President, Senators or Congressmen free. On the other hand, it costs from a minimum of a dollar and a half in Texas to a possible maximum of four dollars and a half in Virginia (because of a cumulative provision) to vote for county sheriff or a clerk of a minor court. Obviously, this is a condition that cries out for prompt remedy.

House Judiciary Subcommittee No. 5 and a majority of the members of the Senate Judiciary Committee have both approved an amendment outlawing the poll tax immediately by statute. We urge that you vote to keep this amendment in the bill. We strongly urge that language suggested in the memorandum be used to protect those who will assist in voting registration. Unless the Congress deals with these problems now, there is little doubt that they will be on the agenda as unfinished business when the 90th Congress convenes.

Sincerely yours,

Clarence Mitchell
Director
Washington Bureau

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Enclosure



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MEMORANDUM

FROM: Clarence Mitchell, Director, Washington Bureau

SUBJECT: Two Vital Amendments Needed in the 1965 Voting Rights Act

Since 1957, the Congress has made three attempts to end voting discrimination by statute. Each time some good has been accomplished but the problem is still acute. As one who has closely followed these efforts, I offer the suggestion that the laws passed must be designed to meet conditions created by public officials who are engaged in a total conspiracy to keep colored people from voting.

Although it is regrettable, the states which have a record of preventing colored people from voting are caught in a political trap which makes it virtually impossible for men and women of good will to obtain election reforms without Federal help. Help is needed in outlawing the poll tax. Help is needed in providing protection for citizens who are willing to give their time and personal energies in promoting registration and voting campaigns.

THE POLL TAX

Alabama, Mississippi, Texas and Virginia still require the payment of a poll tax as a condition for voting in state and local elections. An excellent speech on "Voting Rights and the Poll Tax" was given by Senator Kennedy of Massachusetts on April 13. It appears in the Congressional Record of that date. The following are some excerpts which show why the poll tax was adopted:

"The purpose of the poll tax in the southern states where they have been enacted was clearly one of discrimination against Negroes.

"Back in 1942 the Senate Judiciary Committee expressly so found. In Senate Report No. 1662, 77th Congress, 2d session, these telltale words are found:

'We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll tax

laws, were motivated entirely and exclusively by a desire to exclude the Negro from voting.'

"Again in 1943, in the 78th Congress, the Senate Judiciary Committee had this to say in Senate Report No. 530, 78th Congress, 1st session:

'The pretended poll tax qualification for voting has no place in any modern system of government. We believe it is only a means, illegal and unconstitutional in its nature, that is set up for the purpose of depriving thousands of citizens of the privilege of participating in governmental affairs by denying them a fundamental right--the right to vote.

'We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll-tax laws, were moved entirely and exclusively by a desire to exclude the Negro from voting.'

"Indeed, the Mississippi Supreme Court, shortly after the enactment of the poll tax in that state candidly held that the tax was primarily designed to restrict Negro suffrage, in the case of Ratliff v. Beale, 74 Miss. 247, 20 So-865 (1896). That was a case brought to recover property seized by the sheriff for nonpayment of the poll tax. In interpreting the purpose of the poll tax, the Court held it was primarily designed to restrict Negro suffrage and allowed recovery of the property.

"Mr. President, there is documentation, too, that the purpose of the Alabama constitutional convention that adopted the poll tax was to disfranchise the colored voters of that State. The president of the convention, as quoted in the journal of the convention, stated:

'The purpose of the convention was, within the limits imposed by the Federal Constitution to establish white supremacy. (Hearings before a subcommittee of the Committee on the Judiciary of Senate, 78th Cong., 2d sess., on S. 1280, p. 254.)'

Senator Kennedy's speech contains illustrations of how local officials prevent colored people from paying the poll tax even when they are able and willing to do so. In a Mississippi county, "the record showed that one applicant had been trying regularly to pay her poll taxes from 1951 to 1962; another from 1952 to 1962. Each had been regularly turned down."

In Virginia, NAACP officials have found that local officials often discourage payment of the poll tax by colored persons by off hand suggestions or by presenting bills for other unpaid taxes when an applicant attempts to pay his poll tax. In the latter type of situation, no effort is made to press for payment of other taxes that may be due if the taxpayer does not try to vote.

It is difficult for one who lives in Ohio, Pennsylvania, or Kansas to conceive of a situation in which public officials would devise intricate schemes to keep citizens from voting. Yet, the governors, state legislatures and courts of the states which deny Negroes the right to vote have amazing ability to act speedily in defying Constitutional requirements. Even in South Carolina, which boasts about the fact that large numbers of colored people now vote, the record is full of state-wide schemes to restrict the ballot. For example, when the late Senator Olin Johnston was governor, he called a special session of the legislature which repealed certain election laws in order to prevent colored people from voting in primary elections, after they had won that right in court. Even as you read this memorandum, there are forces at work in South Carolina which are determined to gain control of that state with appeals to race hatred and discord. They are typical of the groups that always lurk in the shadows ready to pounce on any state or local official in the South who favors giving Negroes the right to vote.

PROTECTION AGAINST VIOLENCE

On the night of March 10, 1965, representatives of organizations composing the Leadership Conference on Civil Rights met to pool their thinking on how to prevent the loss of human life in Selma, Alabama. The next day the Reverend James Reeb was bludgeoned on a public street and died shortly thereafter. He became another victim of the national government policy of observing wrongdoers as they interfere with persons seeking to exercise their constitutional rights, but doing nothing to prevent harm until there is mayhem or murder. Usually, the U.S. Department of Justice answers pleas for help to prevent these outrages by saying, "We have no authority to act."

The Leadership Conference on Civil Rights has offered the following language to the House Judiciary Committee as amendments to H.R. 6400:

- IV. On line 11, page 23, after the word "Act" insert the following:

"or is otherwise qualified to vote"

- On line 13, after "vote, or" insert:

"whether acting under color of
law or otherwise"

- V. On line 3, page 26, insert a new subsection as follows:

"(g) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 4 or 10 or who shall violate section 11 shall be subject to a civil penalty in the amount of \$500 for each act of deprivation, or violation, or attempt. Such penalty shall be collected on behalf of the affected individual by a civil action, brought by the United States in the district court for the district in which such act, violation, or attempt occurs or in the district in which the person responsible for such act, violation, or attempt is found. In any action brought hereunder involving employment of any state or political subdivision, said state or political subdivision shall be jointly liable and shall be made a party."

On line 24, page 23, and on line 11, page 24 there will be added language to provide that if the life of any person is placed in jeopardy, there will be a fine of not more than \$20,000 or imprisonment not more than 20 years or both. The specific language is:

"If the life of any person is placed in jeopardy, he shall be fined not more than \$20,000, or imprisoned not more than twenty years, or both."

During this summer, there will be hundreds of persons working in an orderly and constructive manner to increase voter registration in southern states. Some of them will be prominent personalities and some will be unknown individuals of good will who want to help in building democracy in our own country. Without assurance of protection provided in the amendments we

have suggested, some of them will be jailed, some will be beaten and some may die. Why must we wait until there is humiliation, injury or death before acting? A vote for protection against violence may well be a vote to save a life.

Although this memorandum deals with the problems of poll taxes and protection against violence, it is not intended to imply that these are the only amendments that will be needed to strengthen the bill. The NAACP and the Leadership Conference on Civil Rights have offered other suggestions on amendments but these will be dealt with separately.

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May 6, 1965

Mr. Clarence Mitchell
Director, Washington Bureau
National Association for the Advance-
ment of Colored People
Twenty West Fortieth Street
New York, New York 10018

Dear Mr. Mitchell:

Thank you for your letter and enclosed memorandum with respect to the voting rights act now pending before Congressional committees. I appreciated knowing your Association's thinking with respect to the poll tax amendment and indeed will give your suggestions very careful consideration.

Sincerely,

CARL ALBERT, M. C.,

CA/Vck